

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LOIS CROSS and ARTHUR CROSS,)
)
 Plaintiffs,)
)
 v.) No. 4:03-CV-07
) (Jarvis/Shirley)
 STANTAM, LLC, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

This matter is before the undersigned pursuant to 28 U.S.C. § 636(b), the Rules of this Court, and by Order [Doc. 31] of the Honorable James Jarvis, United States District Judge, for disposition of Defendants' Motion in Limine to Exclude Medical Bills. [Doc. 21].

Defendants move to exclude at trial the introduction of any and all medical bills incurred by the plaintiff Lois Cross because of her failure to prove the reasonableness and necessity of any such charges. [Doc. 21]. Plaintiffs failed to file a response to Defendants' motion within the time period required by E.D.TN. LR 7.1(a). "Failure to respond to a motion may be deemed a waiver of any opposition to the relief sought." E.D.TN. LR 7.2.

As the plaintiffs have not proffered any evidence to establish that Ms. Cross' medical bills and expenses were both reasonable and necessary, an issue on which the plaintiffs bear the burden of proof, see Hogan v. Reese, No. 01A01-9801-CV-00023, 1998 WL 430627, at *6 (Tenn.

Ct. App. July 31, 1998), the Court finds the Defendants' Motion in Limine to Exclude Medical Bills [Doc. 21] to be well-taken, and the motion is therefore **GRANTED**.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge